STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

IN RE:	Carolyn Adams PRB File No. 2019-014 & 2019-015

RESPONDENT'S MOTION FOR RELIEF FROM JUDGMENT

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TABLE OF CONTENTS

INTRODUCTION

NOW COMES Attorney Jason J. Sawyer, by and on behalf of the Respondent, Carolyn Adams, and hereby moves for relief from the Decision on Motion to Deem Charges Admitted entered on February 25, 2019; and the December 31, 2019 Order of Suspension which arose from the probationary period set out in the 2019 Order.

On numerous occasions leading up to the Feb. 2019 judgment in this matter and during the Mar. 19, 2019 hearing, Attorney Carolyn Adams ("Respondent" or "Ms. Adams") made statements and gave testimony making clear that (1) she suffered from mental health disabilities; and (2) that these disabilities affected her ability to defend herself. *See Infra*, Background § IV. Despite these allegations and the existence of a procedural safeguard under Rule 21(b)—designed for potentially unwell attorneys—Ms. Adams was not afforded any such relief. The Rule provides as follows:

> If a respondent alleges in the course of a disciplinary proceeding that he or she is unable to assist in his or her defense due to a mental or physical disability, the Court shall immediately transfer the lawyer to disability inactive status pending determination of the incapacity.

Administrative Order 9, Rule 21(b) (2019) [1]. The Rule would have allowed the Respondent a reprieve where the parties and the Court could consider the Respondent's ability to stand trial; could explore whether a health condition may explain the conduct at issue; and could determine whether disability inactive status may be more appropriate than sanctions.

Without the benefit of a Rule 21(b) evaluation, the Board deemed the charges against Respondent admitted, and placed her on probation. Respondent was thereafter handled as a malfeasant attorney rather than an unwell one with a medical disability. The PRB ultimately expected strict compliance from Ms. Adams, but the trauma and humiliation on top of the struggles Respondent already

[1] The amendments to Administrative Order 9 which took effect during 2021 renumbered Rule 21 to Rule 25 but did not otherwise alter the rule. The Rule is referred to herein as Rule 21 as it was numbered during the relevant time period.

carried—as noted in her testimony—made that exceptionally difficult, if not impossible. Ms. Adams quickly fell out of probation and into a period of suspension. Ms. Adams has since been able to seek treatment and better understand her limits—but her recovery was unnecessarily prolonged by her legal challenges. **Exhibit A** (letter from Respondent's Counselor).[2]

Given the time that has passed, the evidence of Respondent's precise mental state at the time of the alleged misconduct is unclear. What is available, is both mitigating and exculpatory. Given Ms. Adams' mental health disabilities, the judgments supporting probation and suspension should be vacated, and the above captioned matters should be concluded with judgment entered in the Respondent's favor.

BACKGROUND

Much of Respondent's past three decades in Vermont—from two-time VBA pro bono award winner to facing multiple counts of misconduct—is relevant to the consideration of this motion. Respondent did not get here because she abandoned her values, the values of the Vermont Bar, or because she stopped caring. She got here because she suffered enormous personal, physical and psychological burdens that rendered her disabled. Previously, she was able to tailor the volume of work she accepted to the capacity she could handle. *See* **Exhibit B** (graph representing number of bankruptcy cases commenced from 2002 to 2018). She became overwhelmed on only a few occasions as many practicing attorneys do. She could not defend herself as well as she defended others, but she strove to prove her skills as a lawyer, despite her medical disabilities. Her interactions with the disciplinary

[2] This document is not being filed as an affidavit as it is not Counsel's intention to have Respondent's counselor testify. As discussed *infra*, an effective treatment relationship has formed now that the relationship is not under PRB oversight, and the testimony of the counselor could be damaging to the relationship. Disciplinary Counsel is welcome to confirm with the Counselor that the letter was prepared by her and that she believes it to be a true and accurate statement.

system never resulted in alternatives to sanctions, and her circumstances only grew more difficult trying to practice as a sanctioned attorney. Ms. Adams has progressed through treatment and knows how to arrange her life to avoid potential collapse, and is ready to begin a new chapter. **Exhibit C** (Affidavit of Respondent).

I. Nearly three decades of practicing law and diligently serving vulnerable Vermonters.

Carolyn Adams was admitted to practice in Vermont in 1991. Like her mother, a teacher in both Pennsylvania and Vermont public school systems, Ms. Adams gravitated toward a career of public service. In addition to her clients' legal needs, Ms. Adams incorporated social work into her practice by promoting to low and pro-bono clients a holistic approach—ensuring that she and other professionals were addressing the "whole person" and all the interconnected issues that the client was facing.

Ms. Adams' particular blend of practice areas, including bankruptcy and estate planning, were not a square fit with any public interest organization in Vermont. This meant that she had little insulation from the uncertainties of life that she might otherwise receive from comprehensive benefits or a regular paycheck. In spite of that lack of support, she was able to make a fairly good living for many years while also serving an extraordinary number of pro bono clients. In 2005, she filed 74 bankruptcy cases. Nearly half were pro or low bono clients. For her dedication and service to vulnerable Vermonters, she received the 2006 pro bono award alongside Vermont's Bankruptcy Judge, Colleen Brown.

Despite that bright spot in 2006, that year marked the beginning of a series of losses and personal challenges, especially medical challenges for Attorney Adams. She was diagnosed with cancer and underwent radical hysterectomy surgery followed by a difficult recovery. She then fell and broke her humerus the following year and was so unable to function physically that she was temporarily placed in a nursing home. Her parents, Kirt and Barbara, came to assist. It was incredibly helpful to Ms. Adams'

recovery to reconnect with them, but they could not be there year-round. In part due to the stress of her medical issues, Ms. Adams finalized a difficult and complicated divorce from her husband in 2007.

II. 2012 Disciplinary Action.

After 2006, Ms. Adams' practice never picked back up to what it once was in Bankruptcy or in her other practice areas. While Ms. Adams was not labelling her mental state as a full blown depression, that is what she was in all likelihood experiencing by 2009. Between 2009 and 2011, there were a few incidents where Ms. Adams was not as responsive in a matter as she should have been. Attorney wellness was not as predominant of a topic at the time and the Professional Responsibility Program did not fairly consider alternatives to sanctions. While a private admonition for violation of Professional Rule 1.3 was the only sanction provided—when combined with her depression, it had a damaging and sustained impact on her and her practice. Whether her peers or the public actually judged her for the admonition, she experienced recurring feelings of humiliation, and self-consciousness about her work going forward. The event slowed her down while her malpractice rates tripled—despite having never had a claim against her to the day of this filing. She eventually had to give up malpractice insurance and had to adjust her practice to a low-exposure and low-volume practice. While the direct sanction was small, the "collateral consequences" of the admonition were significant. Ms. Adams ultimately came out of her conduct review with fewer rather than more resources for succeeding. The same year, Ms. Adams received her most recent recognition from the VBA as a "Post Irene Recovery Attorney" for her prior pro bono work following the tragic hurricane.

III. Two missed hearings in 2018.

In the years following Ms. Adams' recovery from cancer and life changing surgery, she began making frequent trips to Pennsylvania to care for her parents as her siblings were unable to. This

caregiving often extended to a week per month or more. Ms. Adams had always been close with her parents and she strived to model herself after them. They were admirable individuals. Her mother, Barbara, had a Masters in French, English and Library Sciences—and she used her skills to serve the public as a teacher and librarian until her retirement. In her retirement, she also served as Ms. Adams' paralegal on occasion. Ms. Adams' father, Kirt, was an Army Air Corps Veteran. He was also a skilled violinist and a Freemason for over 70 years. Kirt and Barbara married on July 20, 1947, and spent the next 67 years together. Together, they built deeply rooted connections in Vermont and in Pennsylvania, and maintained their connection to both.

Barbara passed away in November 2014, and Kirt passed away less than two years later in July 2016. After celebrating their lives with her family, Ms. Adams was able to resume her fairly light practice. But for the first time being both without a marriage, and without her parents and best friends, she struggled again. Ms. Adams' counselor—that she began seeing during May 2019—describes Ms. Adams' grief as "acute prolonged grief."

On May 18, 2018, Ms. Adams missed a hearing. Both she and her client thought they heard a later date when the hearing time was announced in Court earlier that year. It turned out the hearing was on an earlier date. Both Ms. Adams and the clients missed the hearing. Ms. Adams promptly filed a motion to vacate, and a hearing on that motion was scheduled for Friday, July 20, 2018—the 71st wedding anniversary of her parents. She had standing plans to honor her parents. That year, she would gather with family. Had Ms. Adams really processed that both the personal and professional obligations fell on the same day, she would have promptly filed a motion for a later or earlier date and explained the importance of the day to the Court.

It was around the time of these hearings that the deterioration of Ms. Adams' mental health accelerated. In addition to their wedding anniversary, both of her parents' birthdays were in July as was the anniversary of the death of her Father. She even emailed the Court notice to the Clients, *see* Hearing

on Sanctions Tr., 30:1-7 (Mar. 13, 2019), and she believes she put the date in her calendar. But she put another date in her mind. Had she been well, she might have been double and triple checking the Court calendar routinely through the time of the May hearing, and twice as much for any missed hearing that she had rescheduled. She was not well, and she missed the hearing.[3]

In addition to depression and anxiety, Ms. Adams' therapist now believes she was suffering from prolonged acute grief. Ms. Adams was not insured at the time and her income was at the poverty level. Moreover, she did not have the bandwidth to secure benefits for herself while looking after her clients. Therefore no concurrent counseling (let alone a focused forensic examination) was performed at or near the time of the incident to shed light upon exactly what Ms. Adams was experiencing.

IV. Substantial evidence presented of an inability to defend due to illness.

After the second missed hearing in the same matter, Judge Brown was put in the unfortunate position of having to report the issue to Bar Counsel. Before she committed the report to writing, she contacted Attorney Katz ("Disciplinary Counsel" or "DC") to see if there were any mitigating circumstances, as she later noted in her letter to Attorney Katz:

> Based on Ms. Adams' satisfactory handling of the prior cases she filed for clients seeking bankruptcy relief, her significant *pro bono* contributions, and her substantial consumer bankruptcy experience, I was quite surprised by what I consider to be her substandard—and ethically troubling—performance in this case. *This led me to contact you, prior to submitting this letter, to ascertain if there might be a medical, or disability-based, explanation for Ms. Adams' conduct. If that had been the case*, I would have first contacted the attorney assistance program. When you advised me that you had *made a preliminary inquiry and found no basis to conclude* there were mitigating circumstances

[3] While an outcome does not excuse Respondent, it became an issue at the hearing and in the Order on Sanctions. Decision No. 225, 10 (Apr. 24, 2021). The Clients' case began on July 7, 2017 when the filing stopped a foreclosure, and Court dismissed the case over one year later on July 20, 2018. According to Ms. Adams, who was the only bankruptcy expert that testified on the matter, she had always informed the clients that the case was tenuous and would likely not last more than a year. *Id.*, 28:16-24 (Mar. 13, 2019). The primary creditor's counsel obviously seemed to believe the Chapter 13 case should not exist given the continuing efforts to dismiss the matter. With the extra time afforded by Attorney Adams, the clients were able to secure refinancing and keep their home.

> of that nature, I determined I was duty-bound to submit this letter reporting her failure to appear at court hearings and her failure to communicate effectively with her clients, opposing counsel, and the court about those absences.

Letter from Bankruptcy Judge Colleen Brown to Disciplinary Counsel Katz, at 3 (Jul. 26, 2006) (emphasis added).

Respondent does not recall any inquiry into her mental health in the six days between the July 20th hearing and the letter from Judge Brown. She recalls a brief call from Bar Counsel on the Monday following the Friday hearing where she was perhaps playfully asked if she was "hit a by a truck." She said no, but in truth she had felt like she had been hit by a truck for several years, and much more so that July. It was too short of a phone call to begin pouring out her soul. She provided proof of life, explained that she forgot and the call was over. The issue of *why* she forgot was not explored on that call. Ms. Adams believes she apologized to the Client on a call shortly after the hearing. She was deeply remorseful and fell into a deep depression as she began to absorb the shame of what had happened and the potential impact on her career. She later described herself as being ill in a September e-mail to the client where she again apologized for being out of touch. Ms. Adams took care to ensure the matter was closed out properly with Trustee funds appropriately disbursed. She attended to her few other matters. She otherwise fell into new lows through the end of the summer and into the fall of 2018.

Missed hearings do not always result in disciplinary complaints, but Respondent's matter continued to proceed in that direction instead of a more rehabilitory path. Sometime prior to the filing of the Complaint, Attorney Katz proposed disability inactive status ("DI status") as a possibility. DC sensed enough of an issue to reach out to the Lawyer's Assistance Project where Ms. Adams received some guidance. But in the end, DI status was the only alternative on the table to prevent sanctions proceedings. This was unappealing for Ms. Adams as it is for most attorneys. The rules suggest there is some possibility of a probationary disability status where one might be able to continue to work in some capacity. *See* A.O. 9 § 8(A)(6) (2018). That is not something that appears to be routinely offered. Just as

Ms. Adams followed the duty of her profession to only take on what she has capacity for, she also felt a moral obligation to society and existing clients to work as much as she believed she was able.

Furthermore, disciplinary inactive status was not offered as an *alternative* to misconduct charges but as a supplement to them. The Board would have held the counts in abeyance. *Id.* § 21(c). Disability inactive status keeps the disciplinary finger pointed and frozen in the face of the disabled, and it is the first battle they must face once they are well. If disability as a defense were more well established, and probation were possible, perhaps a resolution could have been reached.

Ms. Adams' matter might have been ripe for establishing a mental health condition as a more complete defense. But in this unfortunate Catch 22, she was unable to put forward such a defense as a *pro se* litigant due to her poor mental health. Whatever role her medical condition played in the conduct at issue was compounded by the feelings of dread and humiliation that arose from the 2012 proceeding and came flooding back here. She felt that the 2012 proceeding had stripped her of her credibility and shamed her. She feared and catastrophized that this proceeding would now be her final undoing. These intense feelings and her mental health made it impossible for her to properly defend herself, or to decide to accept DI status—which *only* in hindsight may have been the better choice—and step back from practice to care for herself.

Regardless of Ms. Adams' ability to defend herself, the gravamen of the conduct at issue was in and of itself evidence of a mental health defense. The logical presumption should have been a wellness issue given Ms. Adams' history of diligent service as outlined in the letter from Judge Brown, *supra*. Ms. Adams further alleged and provided evidence of both a mental health defense and an inability to defend due to a disability as follows:

1. Respondent informed Disciplinary Counsel of her mental health issues on several occasions leading up to the hearing, and Disciplinary Counsel found them to be credible. Hearing on Sanctions Tr., 72:3-11 (Mar. 13, 2019).

2. The Respondent never filed an answer in her own defense. *Id.*, 41:24-42:8 ("I -- I couldn't. I -- I -- This was --This is my stressor. And I -- I didn't do it. I wanted to. I -- We were in communication for a while. And I -- [Disciplinary Counsel] knew I wanted to. But I couldn't get it done. […] So I'm working through this. I do have a plan to work through it. But I couldn't respond to Attorney Katz.").
3. The Respondent allowed a default judgment to be entered against her and did not move to vacate. Decision on Motion to Deem Charges Admitted (Feb. 25, 2019).
4. The Respondent did not object to the last-minute witness change from the wife in the client couple—who was familiar with the matter, and familiar with Respondent's remorse about the hearings—to the husband who had little knowledge about the representation. *Id.*, 4:12-25; 58:19-20; 63:15-18 (acknowledging that client wife was primary communicator with counsel).
5. In the Respondent's first substantive reply to the charges, she explained to the Board she "suffer[s] from depression and anxiety", as well as from great difficulties dealing with the then recent loss of her parents. Hearing on Sanctions Tr., 15:19-16:7.
6. The Respondent was mentally unable to prepare enough to sufficiently have a working understanding of what attorney client communications were admissible in a disciplinary hearing, and which were not. Hearing on Sanctions Tr., 18:8-18:15.
7. The Respondent was unable to counter relevance objections to her attempts to explain what she had done for the clients or the particular and significant difficulties the matter had caused her. *Id.*, 18:8-20:17.
8. The Respondent was unable to prepare for or object to a lengthy discussion about the justification of the fees and expenses charged. *Id.*, 17:8-18:7, 19:23-25:21.
9. The Respondent directly stated to the Board that her previously mentioned mental health issues, *see supra* ¶ 3, were preventing her from properly preparing for the disciplinary matter and from

recalling core facts of the case. *Id.*, 20:12-20:17 ("I have to be clear with you; I have stress issues. And looking over this case has caused me to have stress. Consequently, I haven't done my due diligence in rereading everything that was in my computer.").

10. The Respondent explained to the Board how emotional triggers could at that time impair her abilities as an attorney. *Id.*, 30:1-30:17.
11. The Respondent explained to the Board that she had depression for roughly a decade—starting when she had cancer in 2006, which is highly correlated with depression. *Id.*, 32:4-33:20; *Niedzwiedz, C.L., Knifton, L., Robb, K.A. et al.*, Depression and anxiety among people living with and beyond cancer: a growing clinical and research priority, BMC CANCER 19, 943 (2019), *available at* https://doi.org/10.1186/s12885-019-6181-4.
12. The Respondent explained to the Board that she had not had any psychiatric care for her mental health issues at that time—but only care from her physician. *Id.*, 31:4-31:17 ("I wasn't aware I had any problem").

While it is typical practice to request the parties file a sanctions memorandum, the Board withdrew its request likely because DC had filed her memorandum and it was clear that Respondent could not. *Id.*, 89:5-89:9. The Board was in some ways sympathetic to the Respondent but really only saw itself as having disciplinary tools, as opposed to rehabilitation tools, at its disposal. Disciplinary counsel indicated that a public reprimand was the presumptive sanction. *Id.* 71:4-71:7. Perhaps due to the 2012 matter that was treated as a disciplinary matter, the Board concluded it needed to go further. The Board ordered one year of probation with certain conditions. The order required Respondent to procure an attorney to assist in law office management with an emphasis on calendar maintenance—though core of the the issue was never that Respondent did not know how to keep a calendar. The Board further ordered that Respondent retain a clinical mental health counselor and authorize that counselor to

essentially carry out probation officer functions on behalf of the PRB. Sanctions Order, Decision No. 225 (Apr. 24, 2019) ("Respondent shall authorize her counselor to inform Disciplinary Counsel (i) if she misses any appointment; or (ii) if at any time the counselor believes that Respondent's condition adversely affects her ability to practice law[.]"). Ultimately, Ms. Adams walked away from the disciplinary process with more obstacles in front of her than she had arrived with.

V. Aftermath of the April 24, 2019 PRB Sanctions Order.

Ms. Adams complied with the core substance of the terms of probation. She procured Attorney Jeffrey Taylor to provide assistance with Law Office Management. He was indeed helpful with the things Respondent needed help with. Order of Suspension, Decision No 225-A, 6-7 (Dec. 31, 2019). Attorney Taylor discussed with her what cases she should avoid and should never end up on her calendar, such as Chapter 13 cases. *Id.* He indicated that he would receive Court notices on her behalf in order to confirm her calendaring process in real time during the probationary period. He confirmed that Respondent had a consistent place to keep an electronic calendar.

Attorney Taylor's approach was sufficient for DC Katz, but the Board wanted Attorney Taylor to engage in more of a handholding observation and critique of how Attorney Adams used the calendar. *Id.*, 8 n.4. The Board found Ms. Adams not to be in compliance, and even admonished Attorney Katz for asserting Attorney Adams was in compliance on this requirement. *Id.*, 15 n.7.

The Board concluded Ms. Adams violated the counseling condition because Ms. Adams did not provide an unequivocal authorization allowing the counselor to report Ms. Adams if the reporting triggers of the April 2019 order were met—at least not until Ms. Adams provided such a release at the hearing. Ms. Adams did provide authorization to her Counselor to answer DC's questions if the Counselor found it "acceptable from [her] professional point of view." *Id.*, 10. That is all the Counselor could ethically do. *See* 26 V.S.A. § 3210(a)(6) (prohibiting a social worker from "having a conflict of interest that interferes with the exercise of the licensee's professional responsibilities, discretion, and

impartial judgment[.]"). The Counselor ultimately avoided a conflict of interest and avoided violating her professional ethical rules by simply treating Ms. Adams and avoiding anything resembling a forensic or occupational assessment. The Board effectively demanded timely notice from a likely ethically compromised counselor and found Ms. Adams noncompliant for failing to provide that.

It is perhaps understandable that the Board expected strict compliance as Ms. Adams had a disciplinary history and from the point of view of the board, did not seem to take Board orders seriously. Perhaps some combination of motions to enlarge, modify or clarify would have prevented the board from issuing the harsh, and sanction of last resort, suspension. But Ms. Adams had no more capacity to advocate for herself here than she did leading up to the initial Order of probation. She could manage her practice as she had scaled it back. But whenever she sat down to attempt to write her way through the inquiries into her conduct, the feelings of humiliation and shame boiled up. The loss and the pain that got her here resurfaced. Her mental health disabilities were triggered, and she just could not muster the ability to respond. Ultimately, on December 31, 2019, the Board suspended Ms. Adams for six months. *Id.*, 28.

VI. 2020 as a Suspended Attorney.

Respondent learned of the suspension on or about January 1, 2020, and quickly reached a low point. Ms. Adams was not in a sufficiently healthy head-space to fully absorb let alone carry out the procedural requirements of suspension under A.O. 9, Rule 23. She knew that she had to stop practicing and that she had to inform her clients in time to prevent any prejudice to them. She does not recall using the word "suspended" but instead explained that she had a health issue or a "breakdown", and could not practice. Once she addressed her responsibilities to her high-priority clients, self-care became a priority. She headed out of state to be with friends. She shut down from outside communication in large part, but kept her phone on and continued getting the information to clients as much as she could.

Before Ms. Adams could complete that task of informing clients, Attorney Katz was requesting the appointment of a trustee. Ms. Adams then understood at that point she had to stop communicating with former clients. Ms. Adams allowed the trustee process to begin without objection. Contrary to what was first proposed, she simply requested that someone other than her adversary in the 2018 hearings was selected as a trustee contrary to what was first proposed. Despite her condition, Ms. Adams worked with the Trustee to (1) identify and notify active clients, courts, and adverse parties; (2) return property to active clients; and (3) identify undisbursed funds held in IOLTA. There was some misunderstandings about funds perhaps due to Ms. Adams' mental state in the increasingly litigious setting. For example, Ms. Adams kept funds for one client that she had earned, but she was leaving them in a contingent state. She anticipated future needs for the client and did not need the funds for herself at that time. The Trustee issues were ultimately resolved, and Respondent was reported as being cooperative on all issues to the Probate court.

When the Trustee process began, Disciplinary Counsel had instructed Respondent not to contact her former clients—though no rule was cited. Respondent therefore understood that she could no longer carry out the role of informing the clients of her suspension. Ms. Adams had been trying to carry out an informed transfer for one client, MS, that just became ripe for a bankruptcy filing. She could no longer facilitate that effort so there was substantial value created by Ms. Adams that MS may not have been able to capture when Ms. Adams was prohibited from finding her new counsel. It arguably left MS and Ms. Adams with a *quantum meruit* dispute between them, but Ms. Adams had been serving the client for over a year and provided useful representation that MS did benefit from. Regardless, she is making efforts to resolve the issue.

Ms. Adams was getting ready to seek reinstatement during June 2020, but then had another potential cancer diagnosis. She had to have another diagnostic surgical procedure in August which carried a risk of becoming another major surgery. Ms. Adams suspects that these pre-cancerous and

cancerous growths she continues to deal with are aggravated by stress, and there is research to support that. *See, e.g., Stress Triggers Tumor Formation, Yale Researchers Find*, Yale News (Dec. Jan. 13, 2010). Several days after Ms. Adams' procedure, Disciplinary Counsel filed new charges alleging (1) that the amounts from MS were unearned; (2) that the failure to timely notice clients of the suspension constituted misconduct; and (3) further alleging that Ms. Adams' IOLTA practices constituted misconduct. PRB Docket No. 2020-064.[4]

If attorneys who suddenly cannot practice and complete their work for their clients due to disability are then routinely accused of misappropriation from clients, then the likelihood that Attorneys will refer themselves or others for DI status will be significantly reduced. Just as it will be less likely an attorney will phone in concern for a colleague—who they have reason to believe has a mental health or substance use disability—over a missed hearing if the attorney believes that prosecution will result vs. treatment for the underlying condition. The egresses from and ingresses back to the profession need to be approachable or we risk the tragic outcomes we have seen in the past. Vermont Commission on the Well-Being of the Legal Profession, State Action Plan (Dec. 31, 2018) ("Rates of suicide and self-reports of suicidal ideation were also significantly higher than in the general population. In the last 6 years six Vermont attorney[s] have committed suicide."), *available at* https://bit.ly/3fhfsV7. Nonetheless, this new collection of disciplinary charges for Ms. Adams all stem from a mental health disability which was aggravated by the fact that Ms. Adams was not provided the opportunity for a more rehabilitative approach. Ms. Adams has had to build her own systems for healing in the face of these circumstances, despite the lessons the legal community should have learned by 2018.

[4] The 2020 charges are not the subject of this motion, but are likely heavily dependent on the outcome of this motion as the new charges are predicated upon orders that this motion seeks to vacate.

VII. Respondent today.

Ms. Adams is currently doing well. Like many, Ms. Adams began to feel hopeful about the future as 2020 came to a close. Largely through her own effort, she made the year a largely positive one. Though just twelve (12) counseling sessions were ordered in 2019, she has had nearly thirty (30) as of the time of this filing. When the probation oversight ended, the Counselor-patient relationship was able to grow. Ms. Adams discusses what she values and wants from life, goes out and seeks it, and then returns to continue the process. She regularly attends outings of the Twin State Volkssport Assocation, a chapter of the American Volkssport Association. She is now president of the walking club and feels a healthy connection from being a part of the group. She has become closer with her brothers and other family members. She continues to explore her interest in genealogy and is occasionally consulted on the subject. During the census, she obtained a job with the U.S. Census Bureau. She worked sometimes 70 hours per week; was regularly recognized for her performance; and was kept on for an extended period with regular bonuses. **Exhibit D** (census reference). She had done the job in her twenties, and she felt rejuvenated and reinvigorated by revisiting the role. She is now actively looking for her next role in which she can contribute to society and continue to support herself.

What is notable is Respondent's participation in PRB Docket No. 2020-064. She filed a motion to enlarge explaining her demanding work schedule and her post operation recovery. She then filed the answer by the approved deadline. It is concise, well written, to the point, and speaks to the issues with candor and more detail than is required of her. *See* Respondent's Answer, PRB Docket No. 2020-064 (Nov. 16, 2020). Since then, the Respondent reconnected with the Lawyer's Assistance Project, has been getting support there, and obtained a referral for at least limited counsel to help her through the process. She has insulated herself from instability by having a fuller life with people that care for her, regular medical care, and she has embraced the difference a regular paycheck can make in life—whether through active employment or unemployment when required. She has found stability, continuity and

strength, and has established the supports and skills necessary to maintain the positive life-path she is walking.

Ms. Adams has no interest reopening her solo practice, and questions whether she could practice at all while there are any pending disciplinary proceedings. She wants and deserves to retire with a duly licensed "Esq." next to her name, and she knows that she is more than capable of managing that responsibility. **See** *Exhibit 2* ("I would recommend a part-time case load, but it is my assessment after nearly 2 years of working with her that Ms. Adams is very good at knowing her own limits."). When she thinks of what people are going through with the pandemic, she remembers how much she enjoyed—more than any other practice—giving hope to bankruptcy clients and delivering on that hope. Ms. Adams is confident that she could do that again in the right setting, such as in a quiet retirement practice under the umbrella of the right firm. In whatever she pursues, she would prefer not to have an asterisk next to the "Attorney" line on her resume for the rest of her working and volunteering life. Upon information and belief, there are hundreds, if not thousands, of former clients that would agree she does not deserve this asterisk for suffering a mental health crisis.

DISCUSSION

Attorney Carolyn Adams has been held to the letter of the law on the disciplinary counts brought against her. She is now seeking to have the letter and spirit of the law applied in her defense including as set forth in A.O. 9, Rule 21(b) (2019) and in Rule 60 as follows:

> On motion and upon such terms as are just, the court may relieve a party […] from a final judgment, order, or proceeding [when] it is no longer equitable that the judgment should have prospective application [or for] any […] reason justifying relief from the operation of the judgment

V.R.C.P. 60(b)(5)-(6).

Rule 60(b)(5) applies to executory orders and Rule 60(b)(6) when other enumerated reasons are unavailable. *Boisselle v. Boisselle*, 162 Vt. 240, 244 (1994) (finding that 60(b)(5) applies to executory orders which imply the supervision of changing conduct or conditions). Rule 60(b)(5) applies here because the order finding the Respondent committed misconduct and the Order revoking probation are collectively executory. They necessitate supervision over Respondent, and the term of suspension is indefinite. *See* A.O. 9, Rule 22(D) (2019) (requiring a substantive application for reinstatement). Regardless, either 60(b)(5) or 60(b)(6) are adequate to provide the Respondent with relief.

Relief under 60(b) is granted in extraordinary circumstances and cannot be used as a substitute for appeal. *In re Town Highway No. 20*, 191 Vt. 231 (Vt. 2012); s*ee, e.g., Embassy House Eat LLC v. Dyan P,* 151 A.D.3d 483 (2017) (affirming the lower court's vacation of a judgment where the Respondent lacked capacity to enter a stipulation). "[R]elief from judgment under V.R.C.P. 60(b)(6) is, by its very nature, invoked to prevent hardship or injustice and thus is to be liberally construed and applied." *Cliche v. Cliche*, 143 Vt. 301 (Vt. 1983) (vacating an unconscionable divorce stipulation by an unrepresented party). "[I]n *Klapprott v. United States*, 335 U.S. 601 (1949), the [Supreme] Court upheld the use of the rule to set aside a default judgment in a denaturalization proceeding because the petitioner had been ill, incarcerated, and without counsel for the four years following the judgment." *United States v. Alpine Land & Reservoir Co.*, 984 F.2d 1047 (9th Cir. 1993) (cited by *Richwagen v. Richwagen*, 153 Vt. 1 (1989)). The judgment here should be modified and judgment ultimately entered for the Respondent.

I. The Respondent's Assertions of an Inability to Defend Due to a Medical Condition (1) Triggered Rights to a Mental Health Evaluation; and (2) Triggered State and Federal Due Process Protections.

Ms. Adams repeatedly professed her inability to defend thereby triggering Rule 21(b). Given what Ms. Adams exhibited, *see supra,* Background § IV, it is extraordinary that the matter proceeded without a formal inquiry into her mental health status and capacity to defend. An appeal or other relief

prior to the filing of this motion was not reasonably available to her given her mental state when she could not defend herself. *Cf. Pate v. Robinson*, 383 U.S. 375, 384 (1966) ("[I]t is contradictory to argue that a defendant may be incompetent, and yet knowingly or intelligently 'waive' [her] right to have the court determine [her] capacity to stand trial.").

"[L]awyers also enjoy first-class citizenship." *Spevack v. Klein*, 385 U.S. 511 (1967) (requiring fifth and fourteenth amendment self-incrimination protections in an attorney disciplinary proceeding). In the criminal context, *Pate v. Robinson* provides that even where no competency hearing is requested, due process requires that a court must provide one where there is "substantial evidence" that the defendant is not competent to stand trial. *Pate v. Robinson*, 383 U.S. 375 (1966). Just as *Pate* has been codified in criminal statutes such as 13 V.S.A. § 4814 (a)(2)—which allows discretion within constitutional bounds—Administrative Order 9, Rule 21(b) (2019) *requires* a competency hearing upon a mere allegation that a respondent is "unable to assist in his or her defense due to a mental or physical disability." "Attorneys appearing before the Board on charges of violations of the Code of Professional Responsibility should be accorded the full measure of procedural safeguards provided by the rules." *In re Illuzzi*, 159 Vt. 155, 158 (1992).

Disciplinary Counsel acknowledged that the depression allegations were credible and consistent with those symptoms but lamented that the Respondent did not seize her opportunity to put on evidence of her illness. Hearing on Sanctions, 72:3-21. Respondent did not truly have that opportunity as she was not in a sufficient state of mental health to gather and present medical evidence. Upon information and belief, Disciplinary Counsel did not believe that she had adequate evidence to move for disability inactive status without Respondent's stipulation. To the contrary, Rule 21(b) does not require that DC is able to establish Disability Inactive status for the requirements of the Rule to be triggered. It requires merely an allegation of a disability affecting the ability to defend. Many such allegations were made before and during the only hearing on the initial matter. These statements alone might have shifted the

burden and Respondent would have been required to establish her capacity. Even if the Court found that Respondent was not incapacitated or disabled, an exploration of her mental health would have occurred. Perhaps it was not DC's responsibility to ensure that Rule 21 was carried out but was instead the Board's responsibility. Regardless, it certainly should not be the Respondent's responsibility. Ms. Adams has only recently been able to overcome her own challenges as well as the extra stress of being the subject of disciplinary proceedings. At the time, she simply was not as equipped to exercise the full scope of her rights under the rules as she is today.[5]

While there may not be a constitutional right to protections for those unable to defend themselves in civil or *sui generis* matters, once a right is conferred, property interests arise (in this case a license to practice law) and cannot be taken away without proper procedural safeguards. *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 541 (1985). A deprivation may be considered arbitrary where there is "a substantial departure from accepted […] norms as to demonstrate that the person or committee responsible did not actually exercise professional judgment." *Regents of Univ. of Michigan v. Ewing*, 474 U.S. 214, 225 (1985). When an institution brings a ward into its protections, it may not "constitutionally refuse to provide him any 'treatment' that is provided by law." *Youngberg v. Romeo*, 457 U.S. 307, 325 (1982) (Blackmun, J., concurring) (finding "postcommitment interests cognizable as liberty interests under the Due Process Clause of the Fourteenth Amendment[.]"). Similarly, Vt. Const. ch. I, art. 10 requires that protections to rights under the "laws of land" attach when the procedures concerned here are at issue. *Wool v. Off. of Pro. Regul.*, 2020 VT 44, ¶ 30 (applying, in a mandamus action against the Office of Professional Regulation, "a fact-sensitive examination [under Article X] of the particular circumstances involved, including consideration of the nature and significance of the

[5] Respondent does not contend that prior allegations should trigger any abeyance of the reopening of this proceeding by the filing of this motion. Respondent, having extensively reviewed and approved this document, waives any right to argue what is now Rule 25 should *now* be invoked on her behalf. She is now able to participate in this matter. *See* **Exhibit A.**

interest at stake, the potential impact of any decision resulting in a deprivation of that interest, and the role that procedural protections might play in such a decision.") (citing *Parker v. Gorczyk*, 170 Vt. 263, 273 (1999)).

Attorney Adams signed up for a profession that can be hazardous to the mind—particularly for someone as empathic as herself. The property interest in her law license came with a right and expectation that is unique to this profession. That is, if she were brought before the Professional Responsibility Board and she alleged an inability to defend due to a medical condition, there would be a pause to enable her to seek treatment and get better so that she could actually defend herself. In essence, time would be taken to ensure that the matter only proceed when Respondent could competently assert her defenses. Although a reasonable argument exists that due process rights were not violated when the rights under rule 21(b) were not provided, now due process requires that relief be provided under the fourteenth amendment, fifth amendment and Chapter 1, Article 10 of the Vermont Constitution. Furthermore, Article IV of the Vermont Constitution provides that "[e]very person within this state ought to find a certain remedy" and "'ensure[s] access to the judicial process'" where substantive rights exist. *C.f. Flint v. Department of Labor*, 2017 VT 89 (2017) (denying relief where no statutory right existed (quoting *Shields v. Gerhart*, 163 Vt. 219, 223 (1995)). In sum, Respondent's rights under the plain language of Rule 21(b) were violated and the interests of justice require a remedy.

II. The Judgments Finding the Respondent Committed Misconduct and Violated Probation Should be Modified and Judgment Entered for the Respondent.

Where an adequate evidentiary record exists, the Court may substitute a modified judgment for a vacated judgment without requiring that a separate hearing be held. *Cliche v. Cliche*, 143 Vt. 301, 466 (Vt. 1983). "[T]he law favors disposition of cases on their merits." *Ji v. Heide*, 2012 VT 36 ¶ 6 (citing *Nichols v. Hofmann*, 2010 VT 36, ¶ 4; *Dougherty v. Surgen*, 147 Vt. 365, 366 (1986)). Ms. Adams was

adjudicated without a hearing under an apparent *res ipsa* theory where the Board concluded that because hearings were missed, Respondent was at least negligent. Upon information and belief, cases where mental health is a defense are often screened out because they are referred to assistance panels under Rule 4 or they are never referred for discipline to begin with. Therefore, there is essentially no precedent addressing mental health as a complete defense.

Perhaps due to the Board's admonition of Ms. Adams from a decade ago, her mental health disability assertions were not compelling enough to warrant consideration of alternatives. Ms. Adams was then in the unfortunate position of having to establish a novel defense where she did not have the mental ability to defend or to even file an answer. Her matter was ripe for mental health as a *complete* defense just as much as a heart attack would excuse someone from missing a hearing without notice to the Court or parties. *See, e.g., In Re Driscoll*, 423 N.E.2d 873 (Ill. 1983) (providing a six-month suspension for converting funds from two clients where a currently treated alcoholism condition was offered as a defense) ("Perhaps in rare cases alcoholism might so change the character of the misconduct or so distort the attorney's state of mind as to provide a *complete excuse*.") (emphasis added). For those that have not experienced suffering from mental health either directly or through a loved one, it is simplest to conceive that for a period of time Ms. Adams, through no fault of her own, developed a propensity to descend into sinkholes and be unavailable to the world. While her recovery was slow through repeated disciplinary proceedings, she now knows how to avoid debilitating depression and to be in communication with her support system in the off chance this debilitating medical condition should arise again.

Ms. Adams has already paid a significant penalty through the opprobrium of probation and suspension and through prolonged financial stress. The principles of *expedit reipublicae ut sit finis litium* and *nemo debet bis vexari pro una et eadem causa* should put an end to the litigation and prevent Ms. Adams from being unjustly vexed twice. *Michoud v. Girod*, 45 U.S. 503, 561 (1846) ("[W]hen a

party has been guilty of such laches in prosecuting his equitable title as would bar him if his title were solely at law, he will be barred in equity[.]"). When a claim is not properly brought according to prescribed procedures for an unexplained period of time, and the delay is prejudicial to the adverse party, *laches* prevents the claim from moving forward. *Petition of Vermont Elec. Co-op., Inc.*, 165 Vt. 634, 635 (1994).

Here, an adequate evidentiary record exists to demonstrate that Ms. Adams may have established a complete defense if she had been afforded the pause and reflection provided by Rule 21(b). Moreover, she might have been able to find a counselor that could provide a more real time assessment of her condition and medical backed explanation for the conduct at issue. Now, nearly three years after the missed hearings, her counselor asserts that a forensic evaluation is needed. **Exhibit A**. It is unclear if even a comprehensive forensic evaluation could now, years later, fully and properly explain the 2018 missed hearings to the extent required to establish a defense with limited precedent. Although Respondent did not spoliate the evidence in any way, such an evaluation shedding light on past conduct is likely out of reach now. Ms. Adams should receive an inference in her favor as an obligation to preserve the evidence, implied by Rule 21(b), was not strictly followed. *Kronisch v. United States*, 150 F.3d 112, 130 (2d Cir. 1998) ("Assuming that a jury were to find that Gottlieb had an obligation to preserve the MKULTRA documents that he ordered to be destroyed, the jury would be entitled to draw an adverse inference against Gottlieb.") (cited by *West v. Goodyear Tire & Rubber Co.*, 167 F.3d 776, 779 (2d Cir. 1999) ("It has long been the rule that spoliators should not benefit from their wrongdoing") (remanding after finding that a sanction, such as an adverse inference instruction, should be considered by the trial Court.)).

At a minimum, the Professional Responsibility Program should pay the expense of a comprehensive forensic evaluation covering the relevant periods. While the Respondent has a right to an expert, the Board here does not need an expert to conclude that judgment should be entered in the

Respondent's favor. *In re Fink*, 2011 VT 42 n.4 ("Expert testimony is not required in disciplinary cases."). Given that Respondent has already inured penalties and harsh consequences for the alleged misconduct, a dismissal of the matter would not create a significant loss; it would serve the interests of justice; would incentivize stricter compliance with the Rules and better awareness and compassion for those with mental health challenges. The Order deeming the charges admitted entered on February 25, 2019; and the December 31, 2019 Suspension Order—which arose from the February 2019 Order—should both be vacated and judgment in each should be entered in the Respondent's favor.

CONCLUSION

When Respondent thinks of where she stands now, she thinks of how her mother, Barbara, was once stricken with a mental health condition during the 70s—when there were even fewer words to describe what she was experiencing. Barbara's parents had passed, her children had left home, and she felt that same sense of loss that had built up in Ms. Adams by 2018. Barbara had literally lost her voice and she could no longer teach for a period of time. As a tenured teacher, the school provided her with a year paid sabbatical to recover. She pursued a degree in library sciences during that time, reinvented herself, and embarked on what became the most rewarding years of her career. Ms. Adams is confident that she is poised to turn a similar corner.

When the legal profession has a moment where it does not appear to the public to be flawless, it is important to consider whether discipline or treatment will ultimately bring more long-term integrity to the profession. What can we provide Ms. Adams so that she can turn that corner and keep serving the public, whether in the legal community or through other avenues? It is the sensitive and empathic attorneys like Ms. Adams that alleviate the judicial system of the difficulty of unrepresented parties, and our legal system and society benefits. By helping as many lawyers as possible heal and overcome mental health challenges, and by assisting them in arriving at the place to where they want to be—whether that

is in the practice of law or not—we create room for the entire bar to serve and grow and improve our civil society.

Disciplinary Counsel, Bar Counsel, and the Professional Responsibility Program today strive to bring both prophylactic and therapeutic wellness remedies to the Bar. "Times have changed" and the Program is striving to adopt ABA guidance and promote healthier attorneys rather than punished attorneys. Mike Kennedy, *Bar Assistance Program: why I support it, Ethical Grounds*, THE UNOFFICIAL BLOG OF VERMONT'S BAR COUNSEL (Feb. 13, 2020), *available at* https://bit.ly/2PdEZWe. The more tools we provide to the Program, the more good they can do for all of us. Here, we can incentivize our disciplinary process to trigger a health inquiry when a lawyer is suaying they cannot defend themselves due to a health condition. We can let them know that mental health as a complete defense is a possibility and thereby give them more discretion to negotiate non-disciplinary options going forward. We can create an environment where lawyers will lead each other to assistance and health because they will be comfortable that their colleagues will not be confronted with onerous conditions of probation, but rather with paths to wellness and to a place where they can continue to serve and bolster the dignity of lawyer as a human being and the legal profession as a whole.

WHEREFORE, Respondent respectfully requests that the Decision on Motion to Deem Charges Admitted entered on February 25, 2019 is vacated, along with all subsequent orders as set forth herein.

DATED at Burlington Vermont this 17th day of May 2021.

CAROLYN ADAMS:

By: /s/ Jason J. Sawyer, Esq.
110 Main St., Ste 3A
Burlington, VT 05401
(802) 658-6669
jason@sawyerlegal.com

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

IN RE:	Carolyn Adams PRB File No. 2019-014 & 2019-015

INDEX OF EXHIBITS TO RESPONDENT'S MOTION FOR RELIEF FROM JUDGMENT

A. Letter from Respondent's therapist

B. Graphical Representation of Respondent's Filing History

C. Affidavit of Respondent

D. Census Reference

Allison Line - Andrews, LICSW

April 1, 2021

Exhibit A

To Whom It May Concern:

I have been seeing Carolyn Adams for individual therapy on a once-a-month basis since May of 2019. Carolyn meets the criteria for Adjustment Disorder with mixed anxiety and depressed mood. She was ordered to have counseling for infractions that happened a year prior to our commencing therapy.

My clinical opinion is that the missed hearings which triggered the disciplinary actions against her were due to the grief she felt on the anniversary of the loss of her father. Her emotional state, social life and lifestyle were all dramatically altered with the death of her father and her mother just 2 years prior as their lives had been intertwined. The second anniversary of their passing triggered an episode of depression. This is my clinical opinion, but it is important to note that it was not in the purview of our work to do a formal psychological evaluation. Such an evaluation should not be done by the therapist that a client is doing therapy with. There was no time in our work that I was concerned about her mental status or felt that she was unable to fulfill her professional duties. It is unfortunate that her disciplinary case is ongoing as it is causing a recurrence of her anxiety and depression. I would recommend a part-time case load, but it is my assessment after nearly 2 years of working with her that Carolyn is very good at knowing her own limits. In addition, she is motivated at this time in her life to keep her stress level to a minimum because of health concerns. Again, I lament as her therapist that she is having to deal with the, in my mind, unnecessary stress of ongoing disciplinary actions.

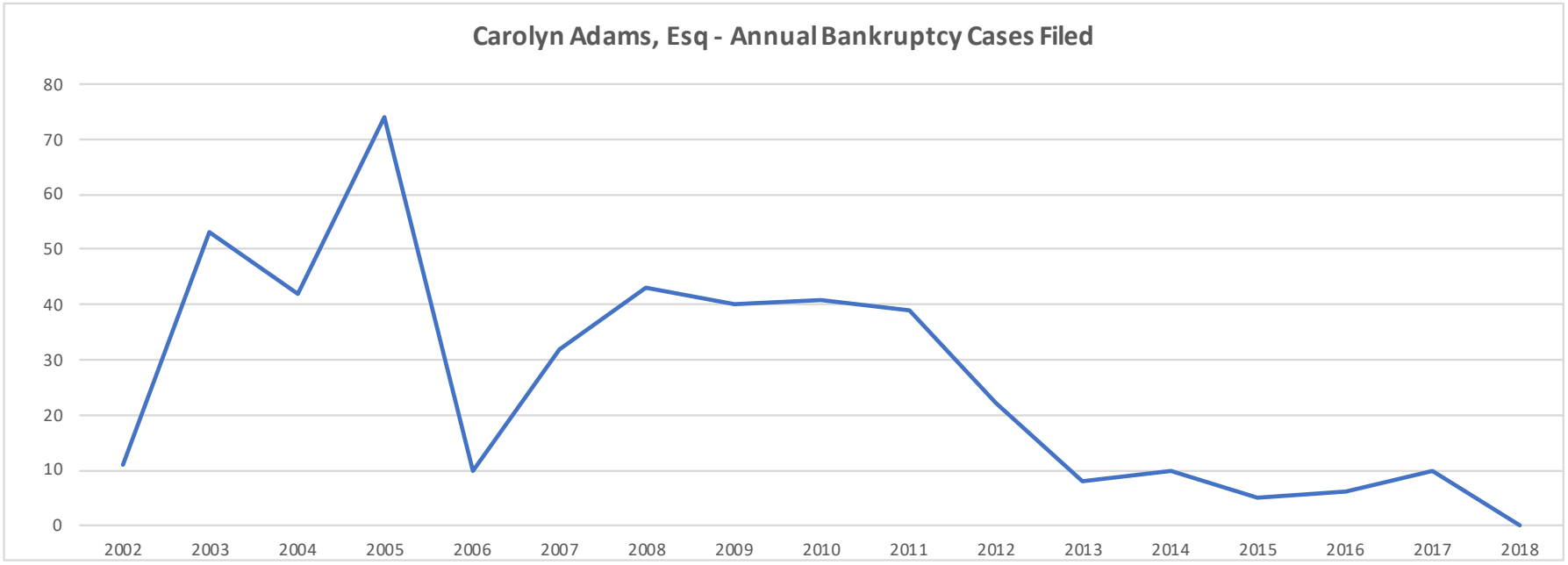
In my interviews with Carolyn, it has been clear that she enjoyed her work and was dedicated to serving her clients. At this time, I do not and have not had concerns about her ability to do her work as a lawyer.

Thank you for your consideration of this matter,

Allison Line-Andrews, LICSW

Allison Line-Andrews, LICSW
NPI# 1255465100

Exhibit B


Carolyn Adams, Esq - Annual Bankruptcy Cases Filed
80
70
60
50
40
30
20
10
0
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
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2015
2016
2017
2018

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

Exhibit C

IN RE: Carolyn Adams
PRB File No. 2019-014 & 2019-015

AFFIDAVIT OF CAROLYN ADAMS

I, Carolyn Adams, on this this **17th day of May, 2021**, being duly sworn, do declare and state as follows:

1. I am the Respondent in the above captioned matters.
2. At the time a complaint was first filed in this matter during December 2018, I was unable to effectively participate in my own defense due in part to what I understand to be extreme stress and anxiety which was aggravated by any attempts to participate.
3. Since a complaint was first filed in this matter, I regularly sought pro bono counsel and I connected with the Lawyer's Assistance Project ("LAP") for assistance.
4. It was not until on or around February 9, 2021 that Attorney Joshua Simonds of LAP referred me to Attorney Jacob Durell. I entered a limited *pro bono* representation agreement with Attorney Durell on February 18, 2020 in which he agreed to provide assistance in addressing legal needs in PRB Docket No. 2020-064 and possibly in the above captioned matters. He did not agree to enter an appearance in any matter.
5. Attorney Durell initially focused his efforts on helping me meet my imminent discovery deadlines in PRB File No. 2020-064 as provided in the scheduling order in that matter. We then discussed the potential of filing a motion for relief from judgment in the matters here.
6. In support of the potential motion for relief, Attorney Durell sought to review records from my physician and counselor, and to meet with my counselor once in person to review records. He had to further discuss the matter with my counselor on several occasions. We were not able to obtain all medical records and the letter from my counselor until April 5, 2021.

7. In addition, Attorney Durell required that I obtain a recent work reference in order to address any issues of my current competency that may arise. That could not be obtained until April 20, 2021.
8. I also had to review various aspects of the matter with Attorney Durell on numerous occasions in order to ensure the accuracy of the motion. Given the unique nature of the motion, Attorney Durell also had to seek the review of several other experienced attorneys to ensure the soundness of the arguments and assertions put forward.
9. While my mental health had improved through treatment and other personal efforts, Attorney Durell and I agreed it was prudent that I have an attorney appear on the motion. It was not until May 14, 2021 that Attorney Jason Sawyer completed a review of the matter and agreed to provide a *pro bono* appearance on the motion.
10. I am confident that I was diligent in bringing the motion at all relevant times to the best of my ability. Despite this effort, it was not ready for filing until on or around May 17, 2021.

Dated at **South Ryegate**, Vermont this **17th day of May, 2021**.

Carolyn Adams
PO Box 151
South Ryegate, VT 05069

STATE OF VERMONT
COUNTY OF CHITTENDEN, ss.

Sign or sworn remotely before me through a secure communication link on 5/17/2021 by Carolyn Adams Executed by Carolyn Adams on 5/17/2021, who acknowledged his execution of the foregoing **AFFIDAVIT** to be her own free act and deed.

Before me: Sheldon Burnell

Notary Public (Commission exp.: Feb. 2, 2023) (signed)
Commission number: 157.0012758

April 15, 2021
Re: Reference Letter for Carolyn Adams

Exhibit D

To Whom This May Concern:

My name is Andy Cervini and I was the Census Field Supervisor for Carolyn and twenty-two other Census Field Enumerators during U.S. Census 2020. Our work together began in early July 2020 and continued until I resigned the Census operation in mid-September to return to teaching. It is my understanding that Carolyn continued to enumerate well into the month of October, charged with finishing the area's hardest-to-reach residents after others failed.

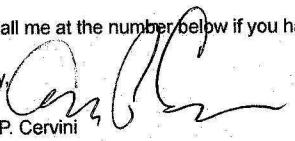
Because of the much-accelerated Census Completion timeline and significantly-reduced training hours at the start, the task that Carolyn, my team, and I confronted seven-days-a-week was demanding, stressful, and even perilous at times. Of the twenty-three enumerators on my team, only Carolyn and two others consistently achieved our daily and weekly objectives. Despite treacherous Class Four roads, remote communities, and many difficult Census interviewees in her huge geography, Carolyn achieved Census targets that earned her maximum bonuses again and again throughout the Census project. Her daily productivity, number of hours worked, and superb attention-to-detail were second-to-no-one on my team. Carolyn consistently employed a get-the-job-done attitude, and everyday used her thinking-outside-the-box skills to reach every Vermont citizen she needed to reach and get everyone counted accurately.

As Supervisor, our Census Regional Office would often request my best people for very difficult-to-count neighborhoods and public housing complexes in Barre and Montpelier. I always recommended Carolyn for these trying, special operations, and our Regional Office always took advantage of my recommendation. Carolyn, time and time again, stepped-up and grabbed these complicated residential addresses and got the job done. With Carolyn's high-performing output, our Vermont Census Region finished the rushed Census 2020 operation with days to spare, while several cities and states around the country missed deadlines, missed people, and begged for project completion extensions.

My lone disappointment in working with Carolyn Adams is that I probably won't get the chance to work with her again anytime soon, if ever. I will always be on the lookout for opportunities to work alongside Carolyn on a volunteer community project one day where we can reach Vermonters who not only need to be counted, but also to be served.

Please call me at the number below if you have questions or clarifications needed for my letter.

Sincerely,



Andrew P. Cervini
Former Census 2020 Field Supervisor
United States Department of Commerce
(918) 814-8253